



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 03 2016

REPLY TO THE ATTENTION OF:

SR-6J

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Frank L. Merrell
Bricker & Eckler, LLP
(Dayton Power & Light Company)
100 South Third Street
Columbus, OH 43215-4291

Re: South Dayton Dump and Landfill Superfund Site, Moraine, Ohio
Dayton Power & Light Company, Request to Cooperate and Assist

Dear Mr. Merrell:

The U.S. Environmental Protection Agency (EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants at the South Dayton Dump and Landfill Site ("SDDL Site" or "Site"). This letter follows General Notice Letters, dated 7/18/2002, 8/14/2005, and 9/10/2012, as well as a Special Notice Letter, dated 1/16/2015, directed to your client, the Dayton Power & Light Company (DP&L), encouraging your client to voluntarily perform or finance the response activities that EPA has determined to be required at the Site. To date, DP&L has not indicated its willingness to perform or finance necessary response actions at the Site.

On June 8, 2016, EPA signed an Administrative Settlement Agreement and Order on Consent, Docket No. V-W-16-C-011 (ASAOC) with three other potentially responsible parties at the Site—Hobart Corporation, Kelsey-Hayes Company, and NCR Corporation (collectively, the "PRP Group")—to conduct a remedial investigation/feasibility study (RI/FS) for operable units 1 and 2 of the site (see Attachment 1 to this letter). Based on the information available to EPA, EPA continues to believe that DP&L is a liable party with respect to the SDDL Site under Section 107(a) of CERCLA. Evidence suggests that, during its operational existence, the SDDL Site was used extensively by DP&L as a disposal location for hazardous substances generated or handled by its Service Building across the street from the SDDL Site at 1900 Dryden Road, as well as from DP&L's other power generating stations and from operations around the area that DP&L serviced.

To date, the PRP Group, with oversight by EPA and the Ohio Environmental Protection Agency, has taken several response actions at the Site under the authority of the Superfund Program. Below is a brief description of the actions taken, or currently being taken, at the Site to date.

- A Preliminary Assessment and Site Investigation in order to gain a basic understanding of any risks posed to human health and/or the environment by releases or threatened releases from the Site.
- A Removal Action conducted to reduce an immediate threat to the environment or human health posed by the Site.
- A Remedial Investigation to identify the Site characteristics and to define the nature and extent of soil, air, surface water, and groundwater contamination at the Site and the risks posed by the Site.
- A Feasibility Study to develop and evaluate potential remedies that eliminate, reduce, or control risks to human health and the environment posed by the Site.

By this letter, EPA is strongly encouraging you to engage with the PRP Group at the Site and to cooperate and assist in the performance or funding of the RI/FS response actions at the Site. You may direct your communications in this regard to:

Larry Silver
Langsam Stevens Silver & Hollaender LLP
1818 Market Street, Suite 2610
Philadelphia, PA 19103
(Phone: 215-239-9023)

EPA has established a site information repository located at the Montgomery County Library, Kettering – Moraine Branch, 3496 Far Hills Ave., Kettering, which is available to you and the public for inspection and comment. The site file is also available for inspection and comment at the Superfund Records Center, EPA Region 5, at 77 West Jackson Blvd., Chicago, IL 60604-3590.

Please give this matter your immediate attention. If you have any questions regarding this letter, please contact James Morris, Associate Regional Counsel, at 312.886.6632. Thank you for your prompt attention to this matter.

Sincerely,



Joan Tanaka, Chief
Remedial Response Branch 1

Enclosure (ASAOC for RI/FS with attached Statement of Work)

cc: James Morris, via email
Leslie Patterson, via email
Steve Renninger, via email